

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

JANUARY 14, 2000

IN RE:

TARIFF FILING BY BELL SOUTH
TELECOMMUNICATIONS, INC. TO
INTRODUCE LATE PAYMENT CHARGE

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ORIGINAL
Revised

DOCKET NO.
99-00574

INITIAL ORDER OF THE HEARING OFFICER

This matter came before the Hearing Officer on the filing of the *Notice of Withdrawal of Tariff Filing and Notice of Voluntary Dismissal Without Prejudice* ("Notice of Withdrawal") filed by BellSouth Telecommunications, Inc. ("BellSouth") on December 16, 1999.¹

This proceeding has its genesis in a tariff filed by BellSouth on August 6, 1999, with a proposed effective date of September 7, 1999. The proposed tariff would impose a five per cent (5%) late payment charge on all business and residence subscribers' bills if the previous month's bill has not been paid in full prior to the next billing date.² On August 24, 1999, the Directors suspended this tariff for thirty (30) days until October 7, 1999 to allow the Staff additional time to review the filing.

¹ A copy of BellSouth's *Notice of Withdrawal* is attached hereto as Attachment A.

² The tariff proposes to exempt state government from the late charge.

FILE


On August 31, 1999, the Consumer Advocate filed a *Complaint, or Alternatively, Petition to Intervene and Petition of Injunctive Relief*. On September 22, 1999, BellSouth filed a *Motion to Deny Request to Convene a Contested Case, Dismiss the "Complaint, or Alternatively, Petition to Intervene and Petition of Injunctive Relief" and Approve BellSouth's Proposed Tariff*. At the September 28, 1999 Authority Conference, the tariff was suspended an additional sixty (60) days to permit review of the filings and to afford the Consumer Advocate time to file a reply. The Consumer Advocate subsequently filed its reply on October 7, 1999.

On October 12, 1999, at a regularly scheduled Authority Conference, the Directors unanimously granted the Petition to Intervene filed by the Consumer Advocate. On November 2, 1999, the Directors appointed the General Counsel or his designee to act as Hearing Officer in this proceeding for the purposes of hearing all preliminary matters prior to the Hearing, and to set a procedural schedule to completion. On November 24, 1999, the Authority suspended the tariff until March 7, 2000.

Pursuant to a notice issued on November 19, 1999, a Pre-Hearing Conference was held on November 30, 1999, and December 1, 1999. On December 16, 1999, BellSouth filed its *Notice of Withdrawal*, fifteen (15) days after the conclusion of the Pre-Hearing Conference. As a result, the Hearing Officer did not issue a Report and Recommendation. After reviewing BellSouth's *Notice of Withdrawal* and considering the same in the context of this entire proceeding, the Hearing Officer deems that it is appropriate to accept BellSouth's request to permit the withdrawal of the tariff filing and the dismissal of this matter without prejudice, thereby closing this docket.

IT IS THEREFORE ORDERED THAT:

1. BellSouth's *Notice of Withdrawal of Tariff Filing and Notice of Voluntary Dismissal Without Prejudice* is accepted and that this docket is closed;
2. Any party aggrieved by the decision of the Hearing Officer in this matter may file a Petition for Appeal pursuant to Tenn. Code Ann. § 4-5-315 with the Tennessee Regulatory Authority within ten (10) days from and after the date of this Order. If the Tennessee Regulatory Authority or any of the parties herein do not seek review of this Initial Order within the time prescribed by Tenn. Code Ann. § 4-5-315, this Order shall become the Final Order;
3. That any party aggrieved by the decision of the Hearing Officer in this matter has the right to judicial review by filing a Petition for Review with the Tennessee Court of Appeals within sixty (60) days from and after the date of this Order; and
4. That any time for the filing of a Petition for Appeal or Review of this Order shall commence to run from the date of the entry of this Order.


H. EDWARD PHILLIPS, III,
AS HEARING OFFICER

ATTEST:


K. David Waddell, Executive Secretary

BEFORE THE TENNESSEE REGULATORY AUTHORITY
AT NASHVILLE, TENNESSEE

CONSUMER ADVOCATE DIVISION)

vs.)

BELLSOUTH TELECOMMUNICATIONS,)
INC.)

) Docket No. 99-00574

) Tariff 99-00574

BELLSOUTH TELECOMMUNICATIONS, INC.'s
NOTICE OF WITHDRAWAL OF TARIFF FILING AND
NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE

BellSouth Telecommunications, Inc. respectfully files this notice: (1) withdrawing its tariff filing of September 7, 1999 regarding late payment charges; and (2) voluntarily dismissing without prejudice this tariff filing and any proceedings related thereto.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

By: 

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ATTACHMENT 1

CERTIFICATE OF SERVICE

I hereby certify that on December 16, 1999, a copy of the foregoing document was served on the parties of record, via the method indicated:

- ☒ Hand
- ☐ Mail
- ☐ Facsimile
- ☐ Overnight

Richard Collier, Esquire
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0500

- ☒ Hand
- ☐ Mail
- ☐ Facsimile
- ☐ Overnight

Vincent Williams, Esquire
Consumer Advocate Division
426 5th Avenue, N., 2nd Floor
Nashville, TN 37243

A handwritten signature in black ink, appearing to read "Vincent Williams", is written over a horizontal line.